

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

2008 JUN -4 AM 9:12

UNITED STATES OF AMERICA,

Plaintiff,

v.

Humberto MEDINA-Partida,

Defendant(s)

Magistrate Case No.

'08 MJ 1747


COMPLAINT FOR VIOLATION OF:

Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)
Transportation of Illegal
Aliens

The undersigned complainant, being duly sworn, states:

On or about **June 3, 2008**, within the Southern District of California, defendant **Humberto MEDINA-Partida** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Pedro PEREZ-Luna**, **Sebastian LUNA-Lunez**, and **Diego PEREZ-Luna** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 4th DAY OF JUNE 2008.


Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Humberto MEDINA-Partida****PROBABLE CAUSE STATEMENT**

Furthermore, the complainant states that **Pedro PEREZ-Luna, Sebastian LUNA-Lunez, and Diego PEREZ-Luna** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On June 3, 2008, Border Patrol Agent S. Pinckney was assigned to patrol the Interstate 15 Northbound corridor. At approximately 2:00 p.m. Agent Pinckney was observing northbound traffic on Interstate 15, at the Old Highway 395 overpass. At that time he noticed a white Chevrolet Suburban pass his location. The Suburban appeared to be extremely heavily laden in the rear and had heavily tinted windows. Agent Pinckney pulled up next to the Suburban and observed several individuals lying down in the rear of the vehicle. Agent Pinckney then pulled behind the vehicle and noticed the driver making several unnecessary lane changes and swerving within his lane of travel.

Agent Pinckney decided to initiate a vehicle stop. Agent Pinckney activated his emergency lights and sirens on Northbound Interstate 15, north of Highway 76 to which the Suburban failed to yield. Agent Pinckney notified Murrieta station dispatch and plainclothes Agents of the situation. As the Suburban began to speed away, Agent Pinckney backed off, and the Plainclothes units continued to follow the vehicle. The vehicle eventually stopped in lane two of Interstate 15, approximately two miles south of the Rainbow exit. The vehicle yielded due to mechanical problems and heavy traffic. Agents approached the vehicle, identified themselves as United States Border Patrol Agents to the driver later identified as defendant **Humberto MEDINA-Partida** and all occupants of the vehicle. The Agents then moved the vehicle to the shoulder of the highway. All occupants of the vehicle were then questioned as to their country of citizenship and nationality. All eight admitted to being citizens and nationals of Mexico who were illegally present in the United States. At approximately 2:54 p.m., all eight were placed under arrest and transported to the Murrieta Border Patrol Station for processing.

DEFENDANT STATEMENT:

MEDINA was advised of his Miranda rights. MEDINA stated that he understood and was willing to answer questions without the presence of an attorney. MEDINA stated that he is a Mexican citizen.

MEDINA stated that he crossed the United States/Mexico International Border yesterday by walking through the hills illegally and that he was going to Los Angeles, California. MEDINA stated that he had made arrangements in Mexico and that he was told that he could drive a vehicle instead of having to pay a smuggling fee of \$1,500 Dollars USD. MEDINA stated that he had made these arrangements with a guy named MORDI.

MEDINA stated that he was given the vehicle at a house that they were taken to after crossing the border. MEDINA stated that this morning, MORDI gave him \$30.00. MEDINA stated he was to drive the people to Los Angeles, California. MEDINA stated that MORDI called him twice as he drove. MEDINA stated that MORDI was calling him and telling him where to go. MEDINA stated that he saw a patrol car following him and that the car had its emergency lights on and that he could also hear a siren. MEDINA stated that at this time he received another phone call from MORDI who told him to not stop and for MEDINA to keep driving.

CONTINUATION OF COMPLAINT:
Humberto MEDINA-Partida

MATERIAL WITNESSES STATEMENTS:

Material witnesses **Pedro PEREZ-Luna**, **Sebastian LUNA-Lunez**, and **Diego PEREZ-Luna** agree in summary that they are citizens and nationals of Mexico illegally present in the United States. They admit to entering the United States illegally. The material witnesses stated that they were to pay a fee to be smuggled into the United States. Material witnesses **Sebastian LUNA-Lunez**, and **Diego PEREZ-Luna** were shown a photographic line up and were able to identify defendant **Humberto MEDINA-Partida** as the driver of the vehicle.